

ESTTA Tracking number: **ESTTA324476**

Filing date: **12/29/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91192745
Party	Defendant Interfood Holding B.V.
Correspondence Address	ANDREW B. MAYFIELD ARMSTRONG TEASDALE LLP 1 METROPOLITAN SQ STE 2600 SAINT LOUIS, MO 63102-2740 amayfield@armstrongteasdale.com
Submission	Motion to Extend
Filer's Name	Andrew B. Mayfield
Filer's e-mail	amayfield@armstrongteasdale.com
Signature	/ABM-ATLLP/
Date	12/29/2009
Attachments	TTAB Interfood Motion for Extension of Time to File Answer or Respond to Notice of Opposition.PDF (2 pages)(7544 bytes)

**UNITED STATES PATENT & TRADEMARK OFFICE
TRADEMARK TRIAL & APPEAL BOARD**

EDWARD L. RICE,)	
)	Opposition No. 91192745
Opposer,)	
)	Trademark: INTERFOOD
v.)	
)	Ser. No. 77747639
INTERFOOD HOLDING B.V.,)	
)	
Applicant.)	

**APPLICANT’S MOTION FOR EXTENSION OF TIME TO FILE
ANSWER OR OTHERWISE RESPOND TO NOTICE OF OPPOSITION**

Applicant Interfood Holding B.V. hereby requests an extension of thirty days, up to and including January 28, 2010, in which to file its Answer or otherwise respond to Opposer Edward L. Rice’s Notice of Opposition. In support of this motion, Applicant states:

1. Applicant and Opposer are currently the plaintiff and defendant in litigation pending in the United States District Court for the Eastern District of Missouri (the “Federal litigation”). In addition, Opposer is a defendant in state litigation pending in Franklin County, Missouri, in which Applicant’s wholly-owned subsidiary, Tepco B.V., is a plaintiff (the “Franklin County litigation”).
2. Following mediation in the Franklin County litigation, Opposer agreed to settlement terms which would terminate all pending litigation between Opposer and Applicant. The settlement terms included Opposer’s agreement to withdraw this opposition proceeding.
3. On December 28, 2009, the Court in the Franklin County litigation held a hearing on a motion to enforce the settlement terms, including the withdrawal of this opposition, and issued a bench order stating that the court would enforce the settlement terms.

4. Applicant anticipates that in the next few days, the Court in the Franklin County litigation will issue a judgment requiring Opposer to withdraw this opposition proceeding.

5. Applicant, therefore, requests this extension of time in order to permit the Court in the Franklin County litigation time to enter its judgment pursuant to the settlement terms, and to permit Opposer time to withdraw his Notice of Opposition in accordance with the settlement terms.

WHEREFORE, Applicant requests an extension of thirty days, up to and including January 28, 2010, in which to File its Answer or otherwise respond to the Notice of Opposition.

RESPECTFULLY SUBMITTED,

BY: _____

Andrew B. Mayfield Mo. Bar. No. 38530
ARMSTRONG TEASDALE, LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070
(314) 621-5065 (facsimile)
amayfield@armstrongteasdale.com

ATTORNEYS FOR APPLICANT

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the foregoing was mailed, U.S. first class postage prepaid, this 29th day of December, 2009, to Applicant:

Edward L. Rice

127 Elm Street, Suite 201

Washington, MO 63090
